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AMENDED DECISION

Protest ST-6-2024a (appeal of
Eligibility Report)

By email dated October 16, 2024 Evangeline Byars on behalf of the Stronger Together Slate filed an appeal of the Election Committee October 15 Eligibility Report. The Appellant asserts that signatures were removed “without a process” and without notification to the Slate. She does recognize that she was advised by Election Committee Counsel Arthur Schwartz that "if the Election Committee knocks some of your signatures off, you will get notice and will have 48 hours to appeal." She was in fact notified on October 15 of which candidates had not submitted sufficient valid signatures to qualify for nomination and she had 48 hours to appeal, which she did.

The process followed by the Election Committee is set out in the Eligibility Report. The Election Rules gives all candidates the right to review the petitions in the two days following the submission of the petitions. The data from the petitions is input. It is then checked for duplicate signatures. Attempts are made to identify all names/pass numbers. Then all the legible/identifiable signators are compared with the Union dues data base to ensure that they are in good standing. Finally, there is a check to make sure that signatures come from active members in the proper Department/Division.

I personally reviewed the petitions on which signatures were invalidated for the four disqualified candidates on the Stronger Together Slate—Abdullah Wilson, Wilfredo Torres, Anthony Gurley, and Rafael Mathis. The most significant problem with the petitions submitted by three of the four candidates relates to the Surface Transportation Rule. That Rule reads, “Bus Operators shall vote for the Vice-President, Executive Board Members, Convention Delegates and Division Officers in

the Division in which they work.” That Rule means that bus operators also can only vote in the Division in which they work and can only nominate candidates for whom they can vote. The bus operators can only nominate/sign petitions for the VP, E Bd Member, Convention Delegate, and Division Officers running for office in the Division in which the operator works. Abdullah Wilson is a candidate for VP in TAS. Rafael Mathis is a candidate for E. Bd in TAS Operators. They were both credited only with signatures from members who currently work in a TA facility, regardless of their pass number. Wilfredo Torres is running for OA VP. He was credited only with signatures from members who currently work in an OA facility, regardless of their pass number.

This Rule and its interpretation are consistent with how the rule has been enforced in past elections. I note, for example, that when this question arose in a vacancy election in 2022, the candidate, who was a MaBSTOA employee running for MsBSTOA I Executive Board, could only submit signatures from members working in a MaBSTOA facility. As I wrote in a decision at that time,

On the merits, I find that, contrary to the Petitioner’s assertion that “[t]hese rules imply that only persons working out of Manhattan garages may be a candidate,” the Rule does not disqualify her from running for office. She is eligible to be on the ballot if she collects at least 218 valid signatures from MaBSTOA employees working out of Division 1. This Rule is consistent with past elections, e.g. 2015, 2017, 2018 and 2021. It also makes sense. Candidates should be nominated by those employees who can then vote for them. The only employees who can vote in this election are those currently working out of Division 1.

See I-1-2022.

The Election Rules also make clear that “[f]or nomination as Departmental Vice-President, a candidate requires the signatures of the number of members set forth in the table below. Only a member in good standing **in the Department** may validly sign a Petition to nominate a candidate for Vice-President from that Department.” “For nomination as Executive Board Member, a candidate requires the signatures of the number of Division members set forth in the table below. Only a member in good standing **in the Division** may validly sign a Petition to nominate a candidate for Executive Board from that Division.” (emphasis added) According to the

Election Committee, bus operators know that their Department and their Division are where they work. Those are the Union meetings they are entitled to attend.

I find that the Election Committee correctly credited only those petition signatures collected from members currently working in the Department or in the Division where the candidate is running.

The other large group of signatures that were invalidated were from CTAs (cleaners). They are employees who work in many different facilities and are classified by the TA as working in either Stations or Car Equipment. They are not TAS or OA members.

The Appellant argues that she is entitled to view the petitions herself. The Election Committee has declined her request. I do not find a basis for overturning the Election Committee decision in this regard. My role as Neutral Monitor is to review the evidence on which the Election Committee has relied, conduct my own investigation, and make an independent neutral determination. I have done this. There is no obligation in the Election Rules or in past practice that gives a candidate the right to review the petitions. After my review, I have determined that Anthony Gurley, Rafael Mathis, and Abdullah Wilson are not eligible to run. Wilfredo Torres is eligible. My findings are as follows:

Anthony Gurley, a candidate for TAS Maintenance Executive Board, submitted 114 signatures. After my review, I found that 32 were invalid:

Duplicates	3
No match/illegible	5
Not valid	24
Supervisor/not L100	1
Terminated	1
Bus operator	1
CTAs/Stations	17
Railroad stock workers/Supply Logistics/Stations	4
Bad standing	0

He therefore only submitted 82 valid signatures. He needed 90 valid signatures to be eligible. He is eight signatures short.

Rafael Mathis, a candidate for TAS Operators Executive Board, submitted 553 signatures. After my review, I found that 204 were invalid:

Duplicates	14	
No match/illegible	13	
Not valid	177	
Not L100		1
Wrong division: OA		151
Wrong division: other		12
CTAs/Stations		5
Bad standing		8

He therefore only submitted 349 valid signatures. He needed 375 valid signatures to be eligible. He is 26 signatures short.

Abdullah Wilson, a candidate for TA Surface Vice-President, only submitted $82+349=431$ valid signatures. (see above) He needed 465 valid signatures to be eligible. He is 34 signatures short.

Wilfredo Torres, a candidate for MaBSTOA Vice-President, submitted 905 signatures. After my review, I found that 267 were invalid:

Duplicates		92
No match/illegible		21
Not valid		104
Wrong division	81	
Bad standing	23	
One petition invalidated for improper witness		50

He therefore submitted 638 valid signatures. He needed 631 valid signatures to be eligible. He is eligible.

Appeal denied in part and sustained in part.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article IV(B)(9) of the

Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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By email:
Abdullah Wilson
Wilfredo Torres
Anthony Gurley
Rafael Mathis
Evangeline Byars
Arthur Schwartz
Denis Engel
Elections Committee